

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JERRY HAUSEN,

Plaintiff,

v.

IWS, INC., *et al.*,

Defendants.

Case No. 2013 CV 6051

ACCEPTANCE OF OFFER OF JUDGMENT

Plaintiff Jerry Hausen and Opt-In Plaintiff Anthony Navarra, pursuant to Rule 68 of the Federal Rules of Civil Procedure, state as follows:

1. A copy of the Rule 68 Offer of Judgment of Defendants IWS, Inc., Peter Fichtel, and Scott Fichtel (the “Offer of Judgment”), is attached as Exhibit A.
2. The Offer of Judgment does not provide for the payment of costs and attorney’s fees, which are payable to a prevailing plaintiff under the federal and state laws pursuant to which this case arises.
3. Under Rule 68, when an offer of judgment is silent as to costs and attorney’s fees, the offer does not include those amounts and any ambiguity on this point is to be construed against the offeror. See Sanchez v. Prudential Pizza, Inc., 709 F.3d 689, 691, 694 (7th Cir. 2013).
4. Accordingly, Hausen and Navarra hereby accept the Offer of Judgment and will seek recovery of their costs and attorney’s fees by separate motion to the Court.

JERRY HAUSEN AND ANTHONY NAVARRA

By: /s/ William D. Nagel

COUNSEL FOR PLAINTIFFS,

Charles A. Valente
Heather Kuhn O’Toole
William D. Nagel
KRASNOW SAUNDERS KAPLAN & BENINATI, LLP
500 North Dearborn Street, Suite 200
Chicago, Illinois 60654
(312) 755-5700

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, I caused a copy of the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court, Northern District of Illinois, using the CM/ECF system, which will send notification of such filing to all counsel of record by email.

/s/ William D. Nagel

CDH LAW GROUP, LLC

ATTORNEYS AT LAW

July 11, 2014

Via Email to wnagel@krasnowsaunders.com
& Via First-Class Mail

Attorney William D. Nagel
Krasnow Saunders Kaplan & Beninati, LLP
500 N. Dearborn St.
Second Floor
Chicago, IL 60654

Re: Jerry Hausen, et al., v. IWS, Inc., et al.
U.S. District Court Case No. 13 CV 6051
Rule 68 – Offer of Judgment

Dear Attorney Nagel:

The purpose of this letter is to inform you that my clients, IWS, Inc., Peter Fichtel and Scott Fichtel are interested in resolving this lawsuit. Based on the current posture of this case, my clients and I feel that this is the appropriate time to engage in further settlement discussions so as to avoid the significant expense that will come with further written discovery, oral discovery, and, ultimately, a trial in this matter.


As such, my clients have authorized me to make the following settlement proposal to resolve the entire dispute pending between our respective clients. As of this date, I have authority to offer the total sum of \$35,000.00 to your clients for resolution of any and all claims available to them in the instant matter.

This offer is being made pursuant to Federal Rule of Civil Procedure 68, entitled "Offer of Judgment." Pursuant to Federal Rule 68(a), your clients have 14 days from the date of service of the offer to accept or reject the offer. If accepted, I will prepare the necessary paperwork to file with the Court.

Please review this offer with your clients and contact me thereafter to discuss this matter further.

Sincerely,

CDH LAW GROUP, LLC



Joshua B. Rosenzweig

cc: IWS, Inc., Peter Fichtel and Scott Fichtel – without enclosures

P:\HOME\JR\IWS, Inc\Jerry Hausen\Ltr to Atty Nagel re Rule 68 Offer of Judgment.docx

EXHIBIT A